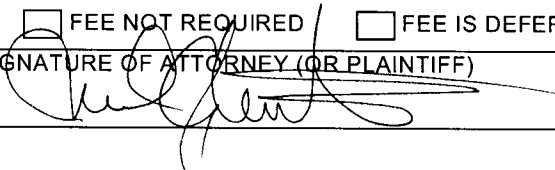


B104 (Rev. 2/92)	<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)	ADVERSARY PROCEEDING (Court Use Only)			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>PLAINTIFFS</b>             Cadleway Properties, Inc.            100 North Center Street            Newton Falls, Ohio 44444         </td> <td style="width: 50%; vertical-align: top;"> <b>DEFENDANTS</b>             Rick D. Lawrence         </td> </tr> </table>			<b>PLAINTIFFS</b>  Cadleway Properties, Inc. 100 North Center Street Newton Falls, Ohio 44444	<b>DEFENDANTS</b>  Rick D. Lawrence	
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<b>PARTY</b> (Check one box only) <input type="checkbox"/> 1 U.S. PLAINTIFF <input type="checkbox"/> 2 U.S. DEFENDANT <input type="checkbox"/> 3 U.S. NOT A PARTY					
<b>CAUSE OF ACTION</b> (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)  Cadleway Properties, Inc, brings this adversary proceeding seeking judgment that Debtor Rick D. Lawrence should be denied discharge and that the Court determine the rights to certain assets on which Cadleway has a lien pursuant to a note and financing agreement which underlie a judgment; pursuant to 11 USC Sections 727 (a)(2)(A); 727(a)(2)(B); 727(a)(4)(C); 727(a)(3); 727(a)(4)(A); and 727(a)(4)(D).					
<b>NATURE OF SUIT</b> (Check the one most appropriate box only.)					
<table border="0" style="width: 100%;"> <tr> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> <b>454</b> To Recover Money or Property   <input type="checkbox"/> <b>435</b> To Determine Validity, Priority, Extent of a Lien or Other Interest in Property   <input type="checkbox"/> <b>458</b> To obtain approval for the sale of both the interest of the estate and of a co-owner in property   <input checked="" type="checkbox"/> <b>424</b> To object or to revoke a discharge 11 U.S.C. § 727         </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> <b>455</b> To revoke an order of confirmation of a Chap. 11, Chap. 12, or Chap. 13 Plan   <input type="checkbox"/> <b>426</b> To determine the dischargeability of a debt 11 U.S.C. § 523   <input type="checkbox"/> <b>434</b> To obtain an injunction or other equitable relief   <input type="checkbox"/> <b>457</b> To subordinate any allowed claim or interest except where such subordination is provided in a plan         </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> <b>456</b> To obtain a declaratory judgment relating to any of the foregoing causes of action   <input type="checkbox"/> <b>459</b> To determine a claim or cause of action removed to a bankruptcy court   <input type="checkbox"/> <b>498</b> Other (specify) <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div> </td> </tr> </table>			<input type="checkbox"/> <b>454</b> To Recover Money or Property  <input type="checkbox"/> <b>435</b> To Determine Validity, Priority, Extent of a Lien or Other Interest in Property  <input type="checkbox"/> <b>458</b> To obtain approval for the sale of both the interest of the estate and of a co-owner in property  <input checked="" type="checkbox"/> <b>424</b> To object or to revoke a discharge 11 U.S.C. § 727	<input type="checkbox"/> <b>455</b> To revoke an order of confirmation of a Chap. 11, Chap. 12, or Chap. 13 Plan  <input type="checkbox"/> <b>426</b> To determine the dischargeability of a debt 11 U.S.C. § 523  <input type="checkbox"/> <b>434</b> To obtain an injunction or other equitable relief  <input type="checkbox"/> <b>457</b> To subordinate any allowed claim or interest except where such subordination is provided in a plan	<input type="checkbox"/> <b>456</b> To obtain a declaratory judgment relating to any of the foregoing causes of action  <input type="checkbox"/> <b>459</b> To determine a claim or cause of action removed to a bankruptcy court  <input type="checkbox"/> <b>498</b> Other (specify) <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>
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<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;"> <b>ORIGIN OF PROCEEDINGS</b>          (Check one box only.)         <input checked="" type="checkbox"/> 1 Original Proceeding            <input type="checkbox"/> 2 Removed Proceeding            <input type="checkbox"/> 4 Reinstated or Reopened            <input type="checkbox"/> 5 Transferred from Another Bankruptcy Court       </td> <td style="width: 40%;"> <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23       </td> </tr> </table>			<b>ORIGIN OF PROCEEDINGS</b> (Check one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed Proceeding <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another Bankruptcy Court	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	
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<b>DEMAND</b>	NEAREST THOUSAND 100	OTHER RELIEF SOUGHT  <input checked="" type="checkbox"/> <b>JURY DEMAND</b>			
<b>BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES</b>					
NAME OF DEBTOR Rick D. Lawrence		BANKRUPTCY CASE NO. 05-32975-7			
DISTRICT IN WHICH CASE IS PENDING Southern District	DIVISIONAL OFFICE Houston Division	NAME OF JUDGE Judge Jeff Bohm			
<b>RELATED ADVERSARY PROCEEDING (IF ANY)</b>					
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.			
DISTRICT	DIVISIONAL OFFICE	NAME OF JUDGE			
<b>FILING FEE</b> (Check one box only.) <input checked="" type="checkbox"/> FEE ATTACHED <input type="checkbox"/> FEE NOT REQUIRED <input type="checkbox"/> FEE IS DEFERRED					
DATE 5-9-05	PRINT NAME Mark A. Kerstein	SIGNATURE OF ATTORNEY (OR PLAINTIFF) 			

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE: RICK D. LAWRENCE  
Debtor

§  
§  
§

CAUSE NO. 05-32975-7

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CADLEWAY PROPERTIES, INC.

§  
§  
§  
§  
§  
§  
§

ADVERSARY NO. \_\_\_\_\_

V.

RICK D. LAWRENCE,  
XXTREME PIPE SERVICES, LLC,  
XXTREME TRUCKING, LLC, AND  
XXTREME PIPE STORAGE, LLC.

---

**COMPLAINT OBJECTING TO THE DISCHARGE OF DEBTOR  
AND FOR DECLARATORY JUDGMENT REGARDING CERTAIN ASSETS**

---

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Plaintiff, Cadleway Properties, Inc., by and through its attorney of record, Mark A. Kerstein, of Buck, Keenan, Gage, Little & Lindley, L.L.P., 700 Louisiana, Suite 5100, Houston, Texas 77002, files this Complaint Objecting to the Discharge of Debtor and for Declaratory Judgment Regarding Certain Assets, as follows:

**SUMMARY**

A. Cadleway Properties, Inc. ("Cadleway") brings this adversary proceeding seeking judgment that Debtor Rick D. Lawrence ("Lawrence") should be denied discharge and that the Court

determine the rights to certain assets on which Cadleway has a lien pursuant to a note and financing agreement which underlie a Judgment.

### **PARTIES**

1. Cadleway Properties, Inc. is an Texas corporation that is a Judgment Creditor of the Defendant.

2. Defendant, Rick D. Lawrence, is an individual residing in Harris County, Texas, and may be served with process through his attorney of record Mr. Keavin David McDonald, of Wilshire, Scott & Dyer, P.C., 1221 McKinney, Suite 3000, Houston, Texas 77010.

3. Xxtreme Pipe Services, LLC may be served with process through their registered agent Mr. Jim Elzner, 7814 Miller Road, No. 3, Houston, Texas 77043.

4. Xxtreme Trucking, LLC may be served with process through their registered agent Mr. Jim Elzner, 7814 Miller Road, No. 3, Houston, Texas 77043.

5. Xxtreme Pipe Storage, LLC may be served with process through their registered agent Mr. Jim Elzner, 7814 Miller Road, No. 3, Houston, Texas 77043.

6. Xxtreme Pipe Services, LLC, Xxtreme Trucking, LLC, and Xxtreme Pipe Storage, LLC, are necessary parties to this adversary proceeding to pursuant to Federal Bankruptcy Rule 7019(a).

### **VENUE AND JURISDICTION**

7. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1334.

8. Venue is proceeding pursuant to 28 U.S.C. § 1408 and 1409.

9. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

### **FACTS**

10. Plaintiff is a Judgment Creditor of Debtor Rick D. Lawrence ("Lawrence"). On December 7, 2004, Cadleway obtained judgment in the amount of approximately \$1,400,000 against Debtor Rick D. Lawrence, John P. Boylan, and five entities known as Five Star Transportation, L.P., Birdwell Pipe, L.P., Birdwell GP, L.L.C., Birdwell Partners, and American Pipe Inspection Company I, Ltd.

11. On or about February 28, 2005, Lawrence filed his Petition seeking relief under Chapter 7 of the United States Bankruptcy Code.

12. Lawrence states in his schedules that he has a twenty-eight (28%) ownership interest in Five Star Transportation, L.P., Birdwell Pipe, L.P., Birdwell GP, L.L.C., Birdwell Partners, and American Pipe Inspection Company I, Ltd. (collectively hereinafter identified as Lawrence's "Prior Companies"). Lawrence has testified that his Prior Companies ceased operations in October or November, 2003.

13. On or about September 5, 2003, Ricky Lawrence and Associates was issued ten Membership Interests Units ("MIU") in Xtreme Pipe Services, L.L.C. Pursuant to the deposition testimony of Jimmy Dan Elzner, the manager of, and a partner in, Xtreme Pipe Services, L.L.C., taken on July 8, 2004, Lawrence does own ten percent (10%) of Xtreme Pipe Services, L.L.C. In addition, on or about April 22, 2004, and effective September 5, 2003, Lawrence entered into an

Option to Purchase whereby Xxtreme Pipe Services, L.L.C. has the right to purchase Lawrence's ten percent (10%) ownership in Xxtreme Pipe Services, L.L.C. for \$250,000. Jimmy Dan Elzner has further testified that Lawrence is Ricky Lawrence and Associates. Lawrence has not disclosed his ownership interest in Xxtreme Pipe Services, L.L.C in any of the schedules filed in his bankruptcy case.

14. During his Rule 2004 Examination, Lawrence testified that he believed that approximately \$200,000 in outstanding receivables were still owed to the Debtor's Prior Companies. Lawrence testified that no attempt had been made to collect any of this money. Lawrence has valued his twenty-eight percent ownership interest in the Prior Companies at zero (\$00.00) in his schedules. Collection of this money would impact the value of Lawrence's ownership interest in the Prior Companies. In addition, Cadleway has a lien on these receivables pursuant to the note and financing agreements which the underlie the Judgment identified above. On information and belief, Cadleway believes that, upon completion of discovery, the evidence will show that some if not all of the \$200,000 in receivables owed to the Prior Companies has been collected by Xxtreme Pipe Services, LLC, Xxtreme Trucking, LLC, and Xxtreme Pipe Storage, LLC.

15. On or about October 1, 2003, an Agreement to Purchase Assets was executed by and between American Pipe Inspection Company I, Ltd. and Xxtreme Pipe Services, L.L.C. Under the terms of this Agreement, certain assets of American Pipe Inspection Company I, Ltd. were transferred to Xxtreme Pipe Services, L.L.C. This was done after Lawrence's ownership interest in Xxtreme Pipe was established, and these assets were transferred without the consent of Cadelway

which pursuant to the various financing agreements underlying the Judgment has a lien on these assets.

### **CAUSES OF ACTION**

16. Cadleway believes that the evidence supports, or upon completion of discovery will support, the following causes of action:

#### **FIRST CAUSE OF ACTION**

17. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(A) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, concealed property of the Debtor within one (1) year before the date of filing of the petition, to wit: Debtor's ownership interest in Xtreme Pipe Services, LLC.

#### **SECOND CAUSE OF ACTION**

18. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(A) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, concealed property of the Debtor within one (1) year before the date of filing of the petition, to wit: the \$200,000 in receivables belonging to Debtor's Prior Companies.

#### **THIRD CAUSE OF ACTION**

19. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(A) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, concealed property of the

Debtor within one (1) year before the date of filing of the petition, to wit: certain assets belonging to Debtor's Prior Companies.

#### **FOURTH CAUSE OF ACTION**

20. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(A) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, transferred property of the Debtor within one (1) year before the date of filing of the petition, to wit: Debtor's ownership interest in Xtreme Pipe Services, LLC.

#### **FIFTH CAUSE OF ACTION**

21. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(A) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, transferred property of the Debtor within one (1) year before the date of filing of the petition, to wit: the \$200,000 in receivables belonging to Debtor's Prior Companies.

#### **SIXTH CAUSE OF ACTION**

22. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(A) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, transferred property of the Debtor within one (1) year before the date of filing of the petition, to wit: certain assets belonging to Debtor's Prior Companies.

### **SEVENTH CAUSE OF ACTION**

23. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(A) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, permitted to be transferred property of the Debtor within one (1) year before the date of filing of the petition, to wit: Debtor's ownership interest in Xxtreme Pipe Services, LLC.

### **EIGHTH CAUSE OF ACTION**

24. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(A) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, permitted to be transferred property of the Debtor within one (1) year before the date of filing of the petition, to wit: the \$200,000 in receivables belonging to Debtor's Prior Companies.

### **NINTH CAUSE OF ACTION**

25. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(A) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, permitted to be transferred property of the Debtor within one (1) year before the date of filing of the petition, to wit: certain assets belonging to Debtor's Prior Companies.

### **TENTH CAUSE OF ACTION**

26. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(A) because Lawrence, with intent to hinder, delay, or defraud a creditor



or an officer of the estate charged with custody of property under this title, permitted to be concealed property of the Debtor within one (1) year before the date of filing of the petition, to wit: Debtor's ownership interest in Xtreme Pipe Services, LLC.

#### **ELEVENTH CAUSE OF ACTION**

27. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(A) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, permitted to be concealed property of the Debtor within one (1) year before the date of filing of the petition, to wit: the \$200,000 in receivables belonging to Debtor's Prior Companies.

#### **TWELFTH CAUSE OF ACTION**

28. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(A) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, permitted to be concealed property of the Debtor within one (1) year before the date of filing of the petition, to wit: certain assets belonging to Debtor's Prior Companies.

#### **THIRTEENTH CAUSE OF ACTION**

29. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(B) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, transferred property of the estate after the date of filing of the petition, to wit: Debtor's ownership interest in Xtreme Pipe Services, LLC.

**FOURTEENTH CAUSE OF ACTION**

30. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(B) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, transferred property of the estate after the date of filing of the petition, to wit: the \$200,000 in receivables and other assets belonging to Debtor's Prior Companies.

**FIFTEENTH CAUSE ACTION**

31. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(B) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, transferred property of the estate after the date of filing of the petition, to wit: certain assets belonging to Debtor's Prior Companies.

**SIXTEENTH CAUSE OF ACTION**

32. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(B) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, concealed property of the estate after the date of filing of the petition, to wit: Debtor's ownership interest in Xtreme Pipe Services, LLC.

**SEVENTEENTH CAUSE OF ACTION**

33. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(B) because Lawrence, with intent to hinder, delay, or defraud a creditor

or an officer of the estate charged with custody of property under this title, concealed property of the estate after the date of filing of the petition, to wit: the \$200,000 in receivables and other assets belonging to Debtor's Prior Companies.

#### **EIGHTEENTH CAUSE OF ACTION**

34. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(B) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, concealed property of the estate after the date of filing of the petition, to wit: certain assets belonging to Debtor's Prior Companies.

#### **NINETEENTH CAUSE OF ACTION**

35. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(B) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, permitted to be transferred property of the Debtor after the date of filing of the petition, to wit: Debtor's ownership interest in Xtreme Pipe Services, LLC.

#### **TWENTIETH CAUSE OF ACTION**

36. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(B) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, permitted to be transferred property of the Debtor after the date of filing of the petition, to wit: the \$200,000 in receivables belonging to Debtor's Prior Companies.

**TWENTY-FIRST CAUSE OF ACTION**

37. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(B) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, permitted to be transferred property of the Debtor after the date of filing of the petition, to wit: certain assets belonging to Debtor's Prior Companies.

**TWENTY-SECOND CAUSE OF ACTION**

38. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(B) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, permitted to be concealed property of the Debtor after the date of filing of the petition, to wit: Debtor's ownership interest in Xtreme Pipe Services, LLC.

**TWENTY-THIRD CAUSE OF ACTION**

39. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(B) because Lawrence, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, permitted to be concealed property of the Debtor after the date of filing of the petition, to wit: the \$200,000 in receivables belonging to Debtor's Prior Companies.

**TWENTY-FOURTH CAUSE OF ACTION**

40. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(2)(B) because Lawrence, with intent to hinder, delay, or defraud a creditor

or an officer of the estate charged with custody of property under this title, permitted to be concealed property of the Debtor after the date of filing of the petition, to wit: certain assets belonging to Debtor's Prior Companies.

#### **TWENTY-FIFTH CAUSE OF ACTION**

41. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(4)(C) because Lawrence received property for forbearing to act, to wit: Lawrence received his ownership interest in Xxtreme Pipe Services, LLC. in forbearance of collecting the \$200,000 in receivables owed to the Prior Companies.

#### **TWENTY-SIXTH CAUSE OF ACTION**

42. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(4)(C) because Lawrence received property for undertaking certain actions, to wit: Lawrence received his ownership interest in Xxtreme Pipe Services, LLC. for acting to transfer certain assets belonging to Debtor's Prior Companies to Xxtreme Pipe Services, LLC.

#### **TWENTY-SEVENTH CAUSE OF ACTION**

43. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(4)(C) because Lawrence received a promise of money for forbearing to act, to wit: Lawrence entered into the Option to Purchase agreement with Xxtreme Pipe Services, LLC. in forbearance of collecting the \$200,000 in receivables owed to the Prior Companies.

#### **TWENTY-EIGHTH CAUSE OF ACTION**

44. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(4)(C) because Lawrence received the promise of money for undertaking

certain actions, to wit: Lawrence entered into the Option to Purchase agreement with Xtreme Pipe Services, LLC. for acting to transfer certain assets belonging to Debtor's Prior Companies to Xtreme Pipe Services, LLC.

#### **TWENTY-NINTH CAUSE OF ACTION**

45. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(3), because Lawrence has concealed, destroyed, or failed to keep or preserve recorded information, including books, documents, records, and papers, from which the Debtor's financial condition or business transactions might be ascertained.

#### **THIRTIETH CAUSE OF ACTION**

46. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(4)(A), because Lawrence knowingly and fraudulently, in or in connection with the case, made false oath or account.

#### **THIRTY-FIRST CAUSE OF ACTION**

47. Cadleway requests that the Court deny discharge to Defendant Lawrence pursuant to 11 U.S.C. Section 727(a)(4)(D), because Lawrence withheld from an officer of the estate entitled to possession under this title, recorded information, including books, documents, records, and papers, relating to Debtor's property or financial affairs.

#### **THIRTY-SECOND CAUSE OF ACTION**

48. Cadleway further requests the Court to declare that Lawrence and Xtreme Pipe Services, LLC, Xtreme Trucking, LLC, and Xtreme Pipe Storage, LLC diverted, in whole or in part, the \$200,000 in receivables owed to the various Judgment debtors and that those receivables

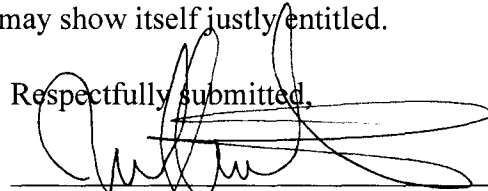
are subject to the lien established by the financing agreements underlying the Judgment and, therefore, are the property of Cadleway.

### **THIRTY-THIRD CAUSE OF ACTION**

49. Cadleway furthers requests that the Court determine the extent of its lien rights against the property and assets which were transferred from American Pipe Services Company I, Ltd. to Xtreme Pipe Services, LLC pursuant to the Asset Purchase Agreement.

WHEREFORE, Plaintiff Cadleway Properties, Inc. requests that the Court deny Defendant Rick D. Lawrence discharge, that the ownership interest of Rick D. Lawrence in Xtreme Pipe Services, LLC is subject to execution by Cadleway Properties, Inc., declare that the approximately \$200,000 in receivables collected by Xtreme Pipe Services, LLC, Xtreme Trucking, LLC, and Xtreme Pipe Storage, LLC is the property of Cadleway Properties, Inc., determine the lien rights of Cadleway Properties, Inc. in the assets transferred from American Pipe Services Company I, Ltd., and such other and further relief to which it may show itself justly entitled.

Respectfully submitted,

  
Mark A. Kerstein  
Texas Bar No. 24007477

COUNSEL FOR CADLEWAY PROPERTIES, INC.

#### **OF COUNSEL:**

Buck, Keenan, Gage, Little & Lindley, L.L.P.  
700 Louisiana, Suite 5100  
Houston, Texas 77002  
(713) 225-4500  
(713) 225-3719 (Fax)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Complaint Objecting to Discharge and for Declaratory Judgment as to the Ownership of Ceratin Assets was forwarded to the following counsel of record in this cause by first class mail on this 9<sup>th</sup> day of May, 2005.

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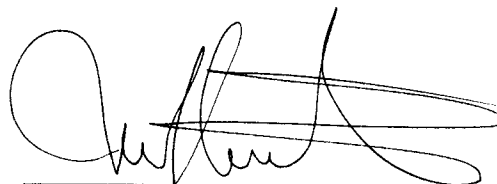
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Mark A. Kerstein